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Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments

Report of the Secretary-General*

Summary

The present document contains the report of the Secretary-General on the implementation of General Assembly resolution 55/8 of 30 October 2000 entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments". In accordance with the resolution, the report also focuses on the status and implementation of the Food and Agriculture Organization of the United Nations (FAO) Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, and the implementation of the four International Plans of Action adopted in support of the Code of Conduct for Responsible Fisheries: for the management of fishing capacity, for reducing the incidental catch of seabirds in longline fisheries, for the conservation and management of sharks, and to combat illegal, unreported and unregulated fishing. It incorporates information provided by States, relevant specialized agencies of the United Nations system, in particular FAO, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional arrangements and other relevant intergovernmental and non-governmental organizations.

* The present report contains replies of Member States, United Nations organs, and intergovernmental and non-governmental organizations. In spite of a clear deadline set in the note verbale for submission of contributions, the Division for Ocean Affairs and the Law of the Sea has no control over late submissions.

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I. Introduction

1. The General Assembly, at its fifty-fifth session, in its resolution 55/8 of 30 October 2000, took note with appreciation of the report of the Secretary-General on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments (A/55/386) and emphasized the useful role played by the report in bringing together information relating to the sustainable development of the world's marine living resources provided by States, relevant intergovernmental organizations, regional and subregional fisheries organizations and non-governmental organizations.

2. In the same resolution the General Assembly reiterated the importance of continued or strengthened efforts by the States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, to make it a high priority to support, including through financial and/or technical assistance, with a particular emphasis on capacity-building, the efforts of developing States, in particular the least developed countries and small island developing States, to achieve the goals and implement the actions called for in the resolution, including to improve the monitoring and control of fishing activities and the enforcement of fishing regulations.

3. The General Assembly also urged States, relevant international organizations and regional and subregional fisheries management organizations and arrangements that had not done so to take action to reduce by-catch, fish discards and post-harvest losses, consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries.

4. Furthermore, the General Assembly affirmed the central role that regional and subregional fisheries management organizations and arrangements had in intergovernmental cooperation to assess marine living resources within their competence, to manage their conservation and sustainable use and thus to promote food security and sustain the economic base of many States and communities. The Assembly moreover affirmed that such organizations and arrangements would play a key role in implementing applicable international law including, as appropriate, the United Nations Convention on the Law of the Sea, the 1995 Fish Stocks Agreement and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement), as well as in promoting the application of the Code of Conduct for Responsible Fisheries.

5. Finally, the General Assembly requested the Secretary-General to bring the resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide him with information relevant to the implementation of the resolution. The Assembly also requested the Secretary-General to submit to it at the fifty-seventh session a report on further developments relating to the implementation of the resolution, including the status and implementation of the Compliance Agreement, the implementation of the international plans of action for the management of fishing capacity, for reducing the incidental catch of seabirds in longline fisheries, and for the conservation and

management of sharks, and efforts undertaken by the Food and Agriculture Organization of the United Nations (FAO) to combat illegal, unreported and unregulated fishing, taking into account the information thus provided.

6. Accordingly, the Secretary-General sent a note verbale to all States, drawing their attention to the relevant provisions of resolution 55/8. Letters were also addressed to relevant intergovernmental organizations, specialized agencies, appropriate organizations, organs, bodies and programmes of the United Nations system, as well as regional and subregional fisheries management organizations and relevant non-governmental organizations. A number of submissions and comments were received by the Secretary-General, who wishes to express his appreciation for all the contributions.

7. The present report, which is submitted to the General Assembly pursuant to resolution 55/8, collates information on measures taken by States, relevant specialized agencies, organs and programmes of the United Nations, intergovernmental organizations and non-governmental organizations to address the issues raised in the resolution.

II. Large-scale pelagic drift-net fishing and measures to ensure full implementation of the global moratorium on all large-scale pelagic drift-net fishing on the high seas, including enclosed and semi-enclosed seas

A. Information provided by States

8. **Qatar** stated that long drift-nets were used on a seasonal and restricted basis in its territorial waters.

9. **Saudi Arabia** stated that it had issued authorizations to its citizens to allow them to fish in the high seas and that none of them had used drift-net fishing methods.

10. **Ukraine** stated that none of its fishing vessels were equipped to carry out large-scale drift-net fishing. Furthermore, there were no marine living resources that could attract large-scale drift-net fishing in its territorial waters and the adjacent semi-enclosed seas.

11. **Monaco** indicated that no vessel flying the flag of Monaco had used large-pelagic drift-nets as their use was prohibited by domestic laws and was subject to sanctions and fines.

12. **Belize** reported that resolution 195 adopted by the International Merchant Marine Registry of Belize on 12 September 2000 was compatible with General Assembly resolution 46/215 of 20 December 1991 and subsequent resolutions. In addition, Belize reported that its draft High Seas Fishing Act also contained provisions under which fishing licences would be subject to conditions relating to, among other things, "the method of fishing".

13. **Malaysia** reported that its drift-net fishing activities did not involve the high seas since they were confined only to its coastal waters and targeted mainly small tuna and Spanish mackerel. Drift-net gill nets of lengths less than 2.5 kilometres were used on a small scale within areas under national jurisdiction. Therefore,

Malaysia supported any action undertaken by the international community to implement a global moratorium on all large-scale pelagic drift-net fishing on the high seas.

14. **Ireland** stated that the matters addressed by General Assembly resolution 55/8 were regulated by the European Community, although enforcement was under the competency of national authorities of the member States. Council regulation 1239/98 of June 1998 had been adopted by the Council of the European Community for the purposes, inter alia, of meeting the international obligations of the Community in the conservation and management of the living resources of the seas and regulating fishing with drift-nets in order to control increased fishing effort and increased by-catch of species other than the target species.

15. **Pakistan** reported that gill-net fishing was traditionally conducted in coastal waters by small-scale wooden gill-netters of less than 17 metres in length. These gill-netters operated bottom-set or mid-water drift-nets not exceeding 5 km in length to catch demersal or semi-pelagic fish species. The operation of vessels equipped with such nets was restricted to shallow water up to 20 nautical miles from the coast. Pakistan stated that its gill-netting fleet had been an important contributor to its subsistence and its economic development.

16. **Cuba** stated that its vessels were not engaged in large-scale pelagic drift-net fishing on the high seas.

17. **Sri Lanka** stated that it had adopted a policy of prohibition of large-scale drift-net fishing of pelagic fish. In accordance with that policy, its Department of Fisheries and Aquatic Resources did not issue licences for fishing operations that used large-scale drift-nets. Further, no fish-landing permits had been issued to foreign vessels that fished in international waters if such vessels used large-scale drift-nets.

18. **Mauritius** reported that its Fisheries and Marine Resources Act 1998 provided for the licensing of all fishing vessels fishing in its waters or on the high seas. No licence had been issued for drift-net fishing on the high seas.

19. **Norway** stated that none of its vessels were engaged in fishing operations using large-scale pelagic drift-nets on the high seas. Nevertheless, Norwegian authorities were entitled, if necessary, to take action against any vessel engaged in such fishing operations.

20. Norway further stated that it had met its obligations to cooperate towards the long-term conservation, management and sustainable use of marine living resources through participation in various global, regional and subregional organizations and forums and through bilateral cooperation and agreements. Its resources management was based on national research, and regional research cooperation and advice from the International Council for the Exploration of the Sea.

21. **Austria** stated that, as a land-locked country, it had no national legislation to implement resolution 55/8. However, as a member of the European Union (EU), Austria had participated in the EU decision-making process concerning the policy areas mentioned in the resolution, thereby advocating a sustainable ecologically sound management of marine resources.

22. **Mexico** stated that the use on the high seas of drift-nets longer than 2 km was prohibited in Mexico.

23. **Grenada** stated that it did not have a pelagic drift-net fishery. It supported the moratorium on such fishery in an effort to conserve stocks, as most pelagic stocks were either approaching or had already reached over-exploitation.

24. **Italy** stated that, in compliance with EU Council Regulation 1239/98, drift-net fishing has been forbidden as from 1 January 2002.

25. The **United States of America** stated that no cases of unauthorized large-scale high seas drift-net fishing had been reported anywhere on the world's oceans and seas. In the North Pacific Ocean, the combination of robust international enforcement efforts and declining value for salmon in world markets have virtually eliminated all high seas drift-net fishing for salmon, therefore, no large-scale drift-net fishing vessels were detected or reported operating on the high seas of the North Pacific by the international community in 2001 and the first half of 2002.

26. **Australia** stated that it had enacted the Fisheries Management Act 1991 to give effect to the global ban on drift-net fishing. Under the Act it was an offence for any person to engage in drift-net fishing within the Australian fishing zone. The Act also prohibited any person from engaging in drift-net fishing from an Australian vessel outside the zone.

B. Information provided by specialized agencies of the United Nations system

27. **FAO** stated that during the reporting period it had not received any reports of fishing with large-scale pelagic drift-nets in contravention of the global moratorium on this type of fishing.

C. Information provided by regional and subregional fisheries bodies and arrangements

28. The **Inter-American Tropical Tuna Commission (IATTC)** reported that there had been no high seas fishing using drift-nets in the Eastern Pacific Ocean, which was the area under competence of the Commission.

29. The **Commission for the Conservation of Southern Bluefin Tuna (CCSBT)** reported that it had not received any report of fishing operations with large-scale pelagic drift-nets in its area of competence.

30. The **International Commission for the Conservation of Atlantic Tunas (ICCAT)** reported that, at its tenth special meeting in 1996, it had adopted a resolution concerning large-scale pelagic drift-nets in which it had appealed to all Contracting Parties to ensure that their nationals and their fishing vessels complied with General Assembly resolution 46/215, and to provide all necessary data relative to those fisheries so that scientists might study the effects of the utilization of that equipment.

31. The **Indian Ocean Tuna Commission (IOTC)** reported that it had not received any reports of fishing with large-scale pelagic drift-nets in its area of competence during the reporting period.

32. The **South Pacific Forum Fisheries Agency (FFA)** stated that the Convention for the Prohibition of the Use of Long Drift-nets in the South Pacific Region was the main framework through which illegal use of drift-nets had been addressed. Regular reports on the state of drift-net fishing had been provided to the Parties by the Secretariat.

33. The **North Atlantic Fisheries Organization (NAFO)** reported that it had adhered to a consistent policy that large-scale pelagic drift-net fishing should not be practised by vessels of NAFO Contracting Parties in the NAFO regulatory area. That policy had been endorsed annually by the NAFO General Council.

34. The **North Atlantic Salmon Conservation Organization (NASCO)** reiterated its earlier submissions concerning large-scale pelagic drift-net fishing that it was not aware of any activities within the area covered by its Convention.

35. The **North Pacific Anadromous Fish Commission (NPAFC)** reported that, in 2000, the cooperative enforcement efforts of the NPAFC Parties had resulted in the detection of three vessels, and the apprehension of one conducting direct drift-net fishing operations for salmon in its Convention area. There had been no detection of any illegal fishing in 2001. Due to the threat of high seas drift-net fishing in the Convention area the NPAFC Parties had continued enforcement activities as a deterrent to the threat of potential unauthorized fishing activities.

36. The **Western Central Atlantic Fishery Commission (WECAFC)** reported that there had been no reports of large-scale pelagic drift-net fishing in the Western Central Atlantic region during the period 2000-2001. The majority of fisheries in the region were small-scale in nature.

D. Other intergovernmental organizations

37. The **European Union** indicated that it had banned since 1998 the use of drift-nets by vessels flying the flag of States members of the European Community.

III. Unauthorized fishing in zones of national jurisdiction of States and support, through financial and/or technical assistance to developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of their fishing regulations

A. Information provided by States

38. **Ukraine** reported that vessels flying its flag and operating in the national jurisdiction zones of coastal States had done so in accordance with the environmental-protection legislation in force in those States. A draft regime for fishing by vessels flying the Ukrainian flag in waters beyond the jurisdiction of Ukraine was being developed.

39. **Belize** reported that its authorities, on 16 October 2001, had issued forms to owners of registered fishing vessels for their completion. The measure would assist in updating records with regard to such matters as fishing gear and the details of areas fished. Furthermore, its Registration of Merchant Ships (Disciplinary Regulations, 1999) provided for the cancellation of the registration of any vessel that had violated fishery laws, including non-compliance with the above-mentioned requirements. In addition, Belize authorities had either fined and/or de-registered all vessels for which it had received reports of illegal fishing activities from other States or regional fishery organizations.

40. **Malaysia** reported that it had introduced a monitoring, control and surveillance scheme in its fisheries management programme, the objective of which was to ensure that only authorized fishing vessels fished within the designated areas in the Malaysian exclusive economic zone. It had also implemented a programme on the monitoring, control and surveillance of Malaysian vessels fishing in areas under its national jurisdiction and in exclusive economic zones of other countries.

41. In addition, Malaysia indicated that it had hosted in 1998 a workshop on monitoring, control and surveillance at the regional level, with participants from the countries of the Association of South-East Asian Nations (ASEAN). Malaysia was willing to share its expertise in the field with other States and had already received visits by foreign delegations interested in studying the implementation of its monitoring control and surveillance programme.

42. **Ireland** stated that it had in place a programme for the control of tuna fisheries that had been drawn up by the Irish Naval Services and the Department of the Marine. The programme covered activities both in Irish ports and at sea. Under the programme, albacore tuna fishing vessels were subject at sea to control and surveillance by both the Irish Naval Service and the Irish Air Corps, and depending on their size they were also required to have on board vessel monitoring systems.

43. Furthermore, Ireland supported the efforts of developing States, in particular the least developed and the small island developing States, to achieve the goals and implement the actions called for in resolution 55/8. The Irish authorities were currently giving active consideration to how this might be done, including through financial and/or technical assistance.

44. **Pakistan** reported that all fishing vessels flying its flag would be monitored round the clock through a satellite-based tracking system. In case of violations, heavy penalties had been proposed in its revised Deep Sea Fishing Policy.

45. Pakistan further reported that financial and technical assistance had already been requested from various organizations to implement the actions called for in resolution 55/8 and specifically acquire a research/training vessel that would allow for both training and the continuation of stock assessment.

46. **Spain** reported that Act 3/2001 of 26 March 2001 concerning marine fishing provided for the adoption of measures designed specifically to combat illegal, unreported and unregulated (IUU) fishing by vessels flying flags of convenience, including disqualification of Spanish masters of such vessels.

47. **Cuba** stated that no fishing vessels entitled to fly its flag had fished in maritime areas under the national jurisdiction of other States. In addition, Cuba supported capacity-building and the efforts of developing States, least developed countries and the small island States. It stressed that scientific and technical cooperation in areas such as fisheries management and quality control of production had yielded positive results in cooperative projects with Haiti, Saint Vincent and the Grenadines, Belize and other countries.

48. **Sri Lanka** reported that its local fishermen were being made aware through the local fisherfolk radio programmes, notices published in the national newspapers and education programmes that it was illegal to fish in exclusive economic zones of other countries.

49. **Mauritius** stated that all Mauritian vessels were required to be licensed to fish whether in areas under national jurisdiction, on the high seas or within the fishing zone of a foreign State. Under conditions attached to a licence, vessel operators were required to show proof of licences or authorization with regard to fishing in waters of other coastal States. In addition, Mauritius stated that its Fisheries and Marine Resources Act 1998 provided for the management, conservation, and protection of fisheries and marine resources and the protection of the marine ecosystems in areas under national jurisdiction.

50. **Norway** stated that vessels flying its flag in areas under the jurisdiction of foreign States were regulated by agreements between Norway and the States concerned. In the event of breaches in the agreements or of the provisions of a licence or permit, Norwegian authorities were entitled to take action against the offending vessel when it returned to Norwegian waters. Regardless of other requirements, fishing vessels flying the Norwegian flag were always subject to Norwegian fisheries legislation.

51. Norway further stated that its involvement in the field of fisheries in developing countries was organized through the Department of Fisheries Development Research at the Institute of Marine Research in Bergen. The objective of the Department's work was to contribute towards the sustainable use of living marine resources in partner countries through the provision of assistance in research and resource management.

52. **Mexico** reported that its register of fishing vessels was governed by provisions contained in the Mexican Fisheries Act, which made it an offence for vessels flying the Mexican flag to fish without authorization on the high seas or in areas under the national jurisdiction of other States. It was also an offence for such vessels to fail to respect the conditions and requirements set out in authorizations issued by foreign Governments.

53. Mexico stated that it had concluded scientific and technical cooperation agreements with Central American countries in order to facilitate assistance in training by Mexican technical experts in areas such as aquaculture, boat-building and fishing techniques. Countries with which agreements of this type have been signed include El Salvador, Panama, Cuba and Guatemala.

54. **Monaco** stated that implementing regulations to the Maritime Code of the Principalty prohibit unauthorized fishing in areas under the national jurisdiction of other States.

55. **Grenada** reported that it had adopted the policy of not registering any foreign fishing vessels. There were currently no foreign fishing vessels based in Grenada. All vessels in Grenada's offshore fishing fleet operated within its exclusive economic zone, targeting mainly yellowfin tuna.

56. **Italy** stated that, except for cases of joint ventures with third countries and of fishing activities in third countries with which the European Community had concluded fishing agreements, Italian legislation forbade vessels flying its flag to fish in areas under the jurisdiction of foreign countries. Furthermore, a system of satellite control of fishing activities had been installed on board ships of more than 24 metres in length.

57. In addition, Italy indicated that it cooperated with developing countries on a country to country basis in the areas of scientific cooperation, the training of fishermen and setting up joint-ventures.

58. The **United States of America** stated that it had long acted to prevent unauthorized fishing in zones under the national jurisdiction of other States by vessels entitled to fly the United States flag. The oldest and broadest instrument available to the United States to implement that objective was the Lacey Act amendments of 1981. (For details on the Act, see A/52/557, paras. 67-69.)

59. The United States also pointed out that it prohibited unauthorized fishing by foreign vessels within its exclusive economic zone. Under the Magnuson-Stevens Act, no foreign fishing was authorized within the exclusive economic zone of the United States except in accordance with a valid and applicable permit.

60. **Australia** reported that fishing operations of vessels flying its flag within the Australian fishing zone were controlled by federal, state and territory fisheries legislation, through the issue of licences and concessions that were subject to specific management rules directed towards ensuring the long-term sustainability of the fisheries resources.

61. Moreover, in December 1999, the Australian Federal Government had introduced legislation requiring Australian-flagged vessels to obtain authorization in order to fish in waters outside the Australian fishing zone. In addition, Australian-flagged vessels were required to operate in a manner that did not contravene Australia's obligations under international agreements and other arrangements to which it is a party.

62. Australia further reported that it was working with Indonesia on the management of shared fish stocks. It was also involved in ongoing discussions with Papua New Guinea over fisheries monitoring, surveillance and enforcement activities. Furthermore, through FFA, FAO and the University of the South Pacific, Australia was investigating possible funding options to assist Pacific Island States in building capacity to enable them to manage and regulate their fisheries effectively.

B. Information provided by specialized agencies of the United Nations system

63. FAO stated that it had participated as an observer in activities of the International Network for Fisheries Monitoring, Control and Surveillance, the overall aim of which was to assist countries reduce illegal, unreported and unregulated fishing throughout the world. FAO had assisted the Network through experience exchange, the provision of monitoring, control and surveillance knowledge and capacity-building for participating developing countries. It had also linked the FAO web site with that of the Network.

64. In addition, FAO had been represented at a Regional Workshop on Marine Fisheries Management and Enforcement held in Mauritius in April 2002, with the participation of countries of the region and the Indian Ocean Tuna Commission.

65. FAO further indicated that a Subregional Fisheries Commission in West Africa had been implementing a project, with funding from Luxembourg, to enhance fisheries monitoring, control and surveillance of IUU fishing in the subregion. FAO activities under the project included the establishment of a vessel monitoring system, provision of legal advice to ensure harmonization of domestic legislation

with international instruments; the organization of a technical consultation on vessel monitoring systems; and assistance in the organization of a ministerial meeting to ensure political support for and commitment to the use of vessel monitoring systems for monitoring, control and surveillance purposes.

C. Information provided by regional and subregional fisheries bodies and arrangements

66. **FFA** stated that strict measures were currently in place to combat unauthorized fishing in areas under national jurisdiction and on the high seas. Increasingly States in the region were imposing restrictions on the importation of fish caught illegally in another State's waters or in contravention of internationally agreed conservation and management measures. Those port State measures had contributed significantly to the identification of vessels that had illegally conducted fishing activities. FFA provided training in dockside boarding and inspection procedures to strengthen capacity at the national level to deal with illegal fishing.

67. **NASCO** stated that it was not aware of any unauthorized fishing for Atlantic salmon by vessels entitled to fly the flag of a particular State in areas under the national jurisdiction of another State. However, in the past there had been problems of fishing for salmon in international waters by non-contracting parties to NASCO.

68. **WECAFC** reported that it had received reports of unauthorized fishing in zones of national jurisdiction in the 2000-2001 period, but the majority of the reports had not been verified. Most involved instances of unauthorized small-scale fishing between neighbouring countries in the region. This was inevitable because the exclusive economic zones of the Caribbean States had not been delimited and formed a mosaic that included almost all the marine space in the region. More importantly, unauthorized shrimping and longline fishing for large pelagics by industrial vessels from outside the region had been reported in the press, but again had not been verified.

69. In addition, WECAFC indicated that a number of countries in the region had improved or were in the process of improving their monitoring, control and surveillance capacity, which was not limited to fishing only. The shrimp industry was an activity where one member State was contemplating the introduction of a vessel monitoring system for its shrimp trawlers.

IV. Unauthorized fishing on the high seas: measures to deter reflagging to avoid compliance with applicable obligations, measures to ensure that fishing vessels entitled to fly the flags of States do not fish on the high seas in contravention of the applicable conservation and management rules; and status and implementation of the FAO Compliance Agreement

A. Information provided by States

70. **Australia** reported that it had signed the Compliance Agreement on 24 November 1993. Australia intended to lodge its instrument of acceptance of the Agreement once the necessary national legislative measures were completed, most likely in early 2003.

71. **Ukraine** indicated that its parliament was considering a draft law on the ratification by Ukraine of the 1995 Fish Stocks Agreement. Moreover, as a member of a number of international fisheries organizations, it had strictly monitored the implementation of conservation measures on the high seas adopted by those organizations. Ukraine also had taken into account the provisions of the Compliance Agreement in its legal enactments.

72. **Monaco** indicated that vessels flying its flag were engaged only in local coastal fishery, and none were able to fish on the high seas. Nevertheless, the implementing regulations of the Maritime Code of the Principality currently under preparation would establish measures to discourage unauthorized fishing on the high seas, in conformity with international law.

73. **Belize** reported that it had imposed sanctions on fishing vessel owners who had violated the fishing regulations and conservation programmes regarding certain marine species and areas established by regional fisheries organizations or agreements. As a consequence, between September 2001 and April 2002, it had deregistered some 330 fishing vessels for a variety of violations, including reported or actual illegal fishing. It had also avoided registering vessels with a history of non-compliance, except where it was satisfied that the ownership of such vessels had subsequently changed and the new owner had provided sufficient evidence to demonstrate that the previous owner or operator had no further legal, beneficial or financial interest in or control of the vessel, or it had determined that flagging the vessel would not result in illegal, unregulated and unreported fishing. Those measures had created standards that were uniform with those adopted by other flag States, thus avoiding the creation of incentives for owners to reflag their vessels with other States.

74. In addition, Belize indicated that a High Seas Fishing Act currently under preparation would deal comprehensively with all measures relating to such matters as conditions for the issuance of fishing licences and international cooperation. Under one of its provisions Belize authorities would be required to provide information "to the appropriate authorities of another State when they had reason to believe that any of its vessels were engaging in activities that undermined international conservation management measures.

75. **Malaysia** reported that currently its fishing vessels did not undertake fishing activities in the high seas. However, it had been encouraging its deep-sea fishermen to venture into high seas fishing.

76. **Pakistan** stated that, in order to ensure the effective conservation and management of fish stocks by developing countries, it was necessary to establish a comprehensive programme of technical assistance for the promotion and management of fisheries in their exclusive economic zones. This would include stock assessment surveys, which would form the basis for the formulation of species conservation and management policies. Pakistan also stated that the increased capacity of distant-water fleets of other nations in the high seas adjacent to its exclusive economic zone would have a great impact on the management and sustainable use of fisheries in its exclusive economic zones.

77. **Cuba** reported that its Ministry of Fisheries had promulgated in 1996 Decree-Law on Fishing No. 164 which spelled out the regulations for the various types of

fisheries. Compliance with those regulatory measures was being monitored by the Cuban National Fisheries Inspection Office.

78. **Mauritius** stated that all fishing vessels registered in Mauritius needed an authorization or licence to engage in high seas fisheries. Furthermore, there was a consultative mechanism within the Ministry of Public Infrastructure, Land Transport and Shipping which had the authority to issue a Mauritian flag to a vessel. The conditions attached to the authorization or licence ensured that the vessel complied with applicable conservation and management measures.

79. **Norway** reported that its authorities were entitled to refuse registration of a vessel if the fishery to be undertaken was deemed to be in conflict with overall Norwegian interests, if required to do so under the provisions of international agreements, if the fishery was regulated by regional or subregional fisheries management organizations or arrangements, or if it were necessary to ensure that fishing or hunting activities were conducted or completed in a rational or sustainable manner. The authorities were also entitled to delete a vessel from the register if the owner or user had contravened the rules applying to the high seas or conservation or management measures laid down by regional or subregional fisheries management organizations or arrangements.

80. Norway further reported that its vessels were allowed to be sold only to States with a sound fisheries management policy that was not in conflict with Norwegian interests.

81. **Mexico** reported that its register of fishing vessels was governed by provisions contained in the Mexican Fisheries Act, according to which it was an offence for vessels flying the Mexican flag to fish on the high seas without authorization. The Act also provided that registration of foreign vessels did not automatically permit them to fish on the high seas. A specific authorization was required.

82. **Grenada** stated that its Government some time ago had adopted the policy of refusing to flag any foreign fishing vessel. In addition, all vessels flying the flag of Grenada operated only within the country's exclusive economic zone.

83. **Italy** reported that it was not aware of ships that were being sold with a view to avoiding compliance with EU and other provisions on fishing. The sale of fishing boats abroad was subject to a prior authorization of the relevant authorities following a judicial inquiry prefatory to deregistration.

84. The **United States of America** stated that it had implemented the Compliance Agreement through the High Seas Fishing Compliance Act of 1995 (see A/55/386, para. 135).

B. Information provided by specialized agencies of the United Nations system

85. **FAO** reported that since its previous report only one additional State (Egypt) had deposited its instrument of acceptance of the 1993 Compliance Agreement. Thus, as at 13 May 2002, the total number of instruments of acceptance, including one international organization, stood at 22, and only three more instruments were needed for the entry into force of the Agreement.

86. FAO recalled that the Compliance Agreement had been drafted in accordance with the 1982 United Nations Convention and sought to develop and strengthen its provisions. The purpose of the Compliance Agreement was to improve the

effectiveness of international fisheries conservation and management measures by reinforcing flag State responsibility in respect of fishing vessels flying its flag on the high seas. The Agreement also sought to provide means to ensure the free flow of information on all high seas fishing operations.

87. The **International Maritime Organization (IMO)** reported that the first joint IMO/FAO Working Group on IUU Fishing and related matters had met in October 2000 and that the report of the Group had been considered by the Subcommittee on Flag State Implementation (FSI) at its ninth session, as there were safety and environmental protection issues relating to illegal fishing which were within the purview of IMO. At its tenth session in 2002, FSI had agreed to recommend to the Marine Safety Committee (MSC) a modification of its work programme to link illegal, unregulated and unreported fishing with the implementation of resolution A.925 (22), urging States to ratify the 1993 Torremolinos Protocol on the safety of fishing vessels and the 1995 International Convention on Standards of Training Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F).

C. Information provided by regional and subregional fisheries bodies and arrangements

88. The **International Pacific Halibut Commission (IPHC)** reported that IUU fishing did not present a problem in its area of competence because all fishing on the resource was conducted by vessels licensed by the Contracting Parties.

89. **CCSBT** reported that it had taken a number of initiatives in recent years to strengthen the role of the Commission in the conservation and management of the southern bluefin tuna fishery. They involved the implementation of an action plan to deter IUU fishing of southern bluefin tuna by encouraging non-member States and fishing entities either to accede to the Convention or to cooperate fully with the Commission's management objectives. Those who refused to cooperate with the conservation and management measures established by the Commission could face trade restrictive measures.

90. In this connection, the Commission had introduced a trade information scheme on 1 June 2000, under which all imports of southern bluefin tuna had to be accompanied by a correctly completed form providing details of the consignment of southern bluefin tuna to which it related and be validated by an authorized representative of the catching vessel's flag State. The scheme appeared to be having an impact on efforts to eliminate IUU fishing in view of the fact that members were required to prohibit the importation of southern bluefin tuna product if it was not accompanied by a correctly completed form.

91. **NAFO** reported that its Fisheries Commission was competent to adopt international conservation and management measures and measures for the control and enforcement of fishing activities within the NAFO regulatory area (high seas). In addition, the NAFO General Council in 1997 had introduced a scheme to promote compliance by non-Contracting Party vessels with the conservation and enforcement measures established by NAFO. Annual reports on implementation of the scheme and activities in the regulatory area indicated that there had been no non-Contracting Party activity in the area since 1999.

92. **NPAFC** reported that Contracting Parties were required to take appropriate measures individually or collectively to prevent unauthorized fishing activities by

their nationals and their fishing vessels and to prevent trafficking in illegally harvested anadromous fish. Each Party had the authority to board, inspect and detain fishing vessels found operating in violation of the Convention.

93. **IATTC** reported that it had taken measures to combat IUU fishing in its area of competence. These included developing a regional register of vessels that were authorized to fish for species under the purview of the Commission; establishing a working group to deal with IUU fishing on a regular basis; and adopting resolutions intended to discourage IUU fishing.

D. Information provided by other intergovernmental organizations

94. The **European Community** reported that it had monitored the fishing fleets of member States through a Community register of vessels. In addition, the Community had been a party to the Compliance Agreement since 1996.

V. Fisheries by-catch and discards, and actions, including through assistance to developing countries, to reduce by-catch, fish discards and post-harvest losses

A. Information provided by States

95. **Qatar** reported that it had prohibited the use of all types of trawl nets in areas under its national jurisdiction in order to conserve fish stocks and protect the marine environment.

96. **Ukraine** stated that its vessels had implemented all the conservation and management measures adopted by international fisheries organizations in areas monitored by such organizations. In addition, its vessels were equipped to utilize raw materials which otherwise might have been discarded to produce such products as fishmeal and hydrolysates.

97. **Malaysia** reported that it had taken measures to implement a 38mm and above code end mesh size of a trawl net by the year 2003. It had also undertaken an experimental trial of a device called Juvenile and Trash Excluder Device, which if proven effective would be used on the trawl net equipment. In addition, it indicated that most Malaysian fishing vessels were equipped with fish holds and freezing facilities, while some bigger vessels were fully equipped with refrigerated salt water.

98. **Pakistan** stated that under its revised deep sea fishing policy any of its vessels found to have been involved in post-harvest losses, fish discards and so forth would have their licence cancelled and suspended for a period of up to three years.

99. **Cuba** reported that no fishing vessels entitled to fly its flag carried out fishing activities in areas where efforts were being made to reduce by-catch and discards.

100. **Spain** stated that it was taking steps to tackle and regulate fishing so as to reduce by-catch.

101. **Mauritius** reported that by-catch, fish discards and post-harvest losses in national fisheries were negligible.

102. **Grenada** indicated that its Fisheries Department had been consulting with fishers involved in the offshore longline fishery in an effort to reduce by-catch of

Atlantic swordfish (*Xiphias gladius*) in accordance with the ICCAT Swordfish Stock Rebuilding Programme.

103. The **United States of America** stated that it had undertaken additional important steps to reduce fish discards and by-catch in domestic and international fisheries (for details, see A/52/557, para. 96; A/55/386, paras. 188-191).

B. Information provided by specialized agencies of the United Nations system

104. **FAO** reported that it had undertaken the following activities to reduce by-catches, fish discards and post-harvest losses: (a) assessment of the environmental impact of fishing operations on the ecosystem (including methodologies to estimate discard rates and information on the physical impact of fishing gears); (b) promotion of effective measures to reduce by-catch; (c) technical assistance and monitoring of the implementation of the International Plan of Action to Reduce the Incidental Catch of Seabirds; (d) guidelines and methodologies for increased by-catch utilization; (e) development of and assistance in legal management frameworks.

105. Major support for these activities came from a GEF-funded project on the reduction of the environmental impact of tropical shrimp trawling through the introduction of by-catch reduction technologies and change of management measures to promote the use of selective fishing gear and selective fishing methods (see also para. 107).

106. These activities and outputs had contributed to reducing discards, in particular of tropical shrimp by-catch. FAO added that since discards often took place close to coastal communities, making by-catch available to those communities helped to reduce poverty and contributed to food security. A spin-off effect of the project was that international attention had been focused on the issue of by-catch and discards in other fisheries.

C. Information provided by organs, organizations and programmes of the United Nations

107. **UNEP** reported that a five-year UNEP/GEF project on reduction of environmental impact from tropical trawling through the introduction of by-catch reduction technologies and change management had started in January 2002, with the participation of 11 countries. The overall objective of the project was to reduce discards of fish captured by shrimp trawlers, primarily by introducing technologies that reduced the catch of juvenile food fish and other by-catches.

D. Information provided by regional and subregional fisheries bodies and arrangements

108. The **International Whaling Commission (IWC)** stated that it had adopted a resolution on incidental capture of cetaceans in 2001 in which it had requested its Scientific Committee to provide to the Commission at its fifty-fourth annual meeting in 2002 a summary of its work in recent years on the most feasible methods to mitigate the capture of large cetaceans in fishing gear and ways in which tangled large cetaceans could be removed from fishing gear with minimal risk to rescuers. The Commission had also recommended that all Contracting Parties make reasonable attempts to release alive, with minimum harm possible, whales that had been incidentally captured.

109. The **North Atlantic Marine Mammal Commission (NAMMCO)** reported that it had initiated a reporting system for marine mammal by-catch. At its tenth annual meeting in 2002, the NAMMCO Council had endorsed the efforts of member countries to establish data collection systems to collect information on marine mammal by-catch.

110. **IATTC** reported that it had set up a by-catch working group specifically for the purposes of reducing by-catches and fish discards. Based on its recommendations the Commission had adopted measures aimed at reducing by-catches and fish discards.

111. **FFA** reported that it had undertaken a concerted effort to improve the monitoring of by-catch, fish discards and post-harvest losses through the introduction of new reporting requirements. By-catch and post-harvest losses were monitored by the Oceanic Fisheries Programme of the Secretariat of the Pacific Community.

112. **NAFO** reported that all catches of major commercial species in the NAFO regulatory area were regulated by minimum catch sizes. In addition, NAFO measures provided that no vessels of a Contracting Party were allowed to retain on board any fish that was below the minimum size. If the amount of undersized fish in any one haul exceeded 10 per cent by number, the vessel was required to immediately change fishing area (to move out to a minimum 5 nautical miles) with a view to avoiding further catches of undersized fish.

113. **NASCO** stated that it was concerned about the possible by-catch of Atlantic salmon in fisheries targeting pelagic fish species, particularly mackerel in the North-East Atlantic.

114. **WECAFC** reported that countries in the WECAFC region that had shrimp trawl fisheries (e.g., Brazil, Colombia, Guyana, Mexico, Suriname, Venezuela) were now landing more by-catch for human consumption than in the past, partly due to increasing demand and to higher prices for fish. By-catch in most countries was now more important commercially. By-catch of certain species, and of certain sizes, had become a secondary target after shrimp. The Commission indicated that in an attempt to reduce by-catch from trawlers, countries had introduced turtle exclusion devices and that some countries, such as Mexico and Venezuela, were experimenting with the use of fish exclusion devices, with a focus on juveniles.

E. Information provided by other intergovernmental organizations

115. **The Council of Europe Parliamentary Assembly** reported that, in its resolution 1283 (2002) on the preservation and management of fish stocks, it had invited member States to minimize by-catches and discards and take measures to ensure that by-catches were landed and counted so that those resources could be used and better data could be made available about actual fishing efforts.

116. The **European Community** reported that in order to reduce by-catch and post-harvest loss, it had adopted new regulations to rebuild the stocks of cod in the Irish Sea as well as additional technical measures to protect such stocks. In addition, a modified technical regulation had been introduced to protect juvenile fish.

VI. Implementation of the FAO International Plans of Action for the management of fishing capacity, for reducing incidental catch of seabirds in longline fisheries and for the conservation and management of sharks

117. The FAO International Plans of Action are non-binding instruments elaborating specific actions that States might take in support of the FAO Code of Conduct for Responsible Fisheries.

A. Management of fishing capacity

1. Information provided by States

118. **Australia** recalled that the International Plan of Action for the Management of Fishing Capacity required States to take measures to prevent or eliminate excess fishing capacity and to ensure that levels of fishing effort were commensurate with the sustainable use of the fishery resources.

119. Furthermore, Australia had adopted an input control-based management framework for many of its fisheries. Pursuing measures such as establishing a limited entry regime for each fishery and utilizing individual transferable quotas and statutory fishing rights had provided a stable operating environment for participants in the fishery while at the same time avoiding problems of overcapacity and over-capitalization.

120. **Ukraine** stated that it had considered it necessary to begin implementation of its national programme of ship-building for its fisheries management in order to ensure food security. The programme's main task was to replace unusable vessels in an ageing fleet. The plan was to use the reintroduced vessels primarily for exploiting the resources of the world's oceans and seas that were underexploited or were not used by the fishing industry.

121. **Croatia** stated that it would soon implement a system of fees for tuna fishing (with purse seine) in order to further limit tuna fisheries. It would also consider the possibilities of imposing further restrictions on issuing licences in order to direct the licence-holder towards single-tool fishing activities. In addition, following the adoption of General Assembly resolution 55/8, Croatia had implemented a logbook system for commercial fisheries, which allowed it to obtain data on fishing effort and total catch. Control of fishing activities and measurement implementation were carried out by the State inspectorate.

122. **Malaysia** stated that it recognized the problem of excess fishing capacity and that management measures needed to be undertaken to address the problem. However, as a developing country, it had to ensure that such management measures took into consideration social, political and economical factors.

123. **Mauritius** indicated that it had achieved some management of its fishing capacity through limiting entry into various fisheries banks and instituting a quota allocation system.

124. **Norway** reported that it had submitted its analysis on 15 December 2000 in accordance with national requirements contained in the Plan of Action. One of the most important goals of Norwegian fishery management was to adapt the capacity of

its fishing fleet to the resource base at any given time. It was therefore not considered necessary to draw up a separate plan of action in addition to the measures that had been implemented, such as unit quota schemes, arrangements for the condemnation of vessels, and the reduction/elimination of subsidies.

125. **Mexico** indicated that it had dealt with the issue of fishing capacity at the regional level within the framework of IATTC, which had adopted in June 2002 a resolution on tuna fleet capacity, providing, inter alia, for the implementation of a moratorium on its growth and its subsequent reduction to the levels of capacity recommended by the Commission's scientists.

126. **Sri Lanka** stated that the available local expertise and resources were inadequate for the implementation of the International Plan of Action for the Management of Fishing Capacity, and therefore assistance was needed from international agencies for that purpose.

127. The **United States of America** reported that it had taken a number of internal actions to study, assess and begin to address the problem of overcapacity in its domestic fisheries, including the preparation of a study to examine the roles of federal subsidies and other government programmes that influenced levels of capacity and capitalization in federally managed fisheries, as well as the development of qualitative and quantitative measures of harvesting capacity in the fisheries sector and recommendations thereon. Furthermore, two reports had been commissioned on levels of capacity and overcapacity in federally managed fisheries. The qualitative report had been completed in June 2000, and the more technical quantitative report was under preparation.

2. Information provided by specialized agencies of the United Nations system

128. **FAO** reported that it had been involved in a number of activities with respect to the promotion of the implementation of the International Plan of Action for the Management of Fishing Capacity including: (a) the organization of the joint FAO/South-East Asia Fisheries Development Center Workshop for the management of fishing capacity in the ASEAN region (Malaysia, November 2000); (b) the organization of an FAO workshop for the management of fishing capacity in West Africa (Senegal, September 2001); (c) technical assistance to selected developing countries and organizations (e.g., Mauritania, Senegal, Cambodia, General Fisheries Commission for the Mediterranean (GFCM), Subregional Fisheries Commission for North-West Africa (CSRP) and IATTC) using project funding; and (d) preparation of technical documents to support the implementation of the International Plan of Action.

3. Information provided by regional and subregional fisheries bodies and arrangements

129. **CCSBT** reported that it had reached a shared view on a global catch that would maintain the current status of the stock; consistent with that view, members were encouraged to establish catch limits voluntarily. If this proved successful, about 99 per cent of the global southern bluefin tuna catch would be under the active management of the Commission. CCSBT also noted that Japan had reduced the number of its large-scale tuna fishing vessels by 20 per cent, in accordance with the recommendation of FAO.

130. **IATTC** indicated that it was actively considering measures to limit purse seine vessel fishing capacity in its area of competence and to that end had established a Permanent Working Group on Fleet Capacity.

131. **FFA** reported that the recently concluded extension of the Treaty on Fisheries between the Governments of certain Pacific Island States and the Government of the United States of America had incorporated a provision requiring the Parties to cooperate on issues pertaining to capacity in the Treaty area.

4. Information provided by other intergovernmental organizations

132. **The Council of Europe Parliamentary Assembly** stated that it had adopted a resolution on the preservation and management of fish stocks, inter alia, inviting member States to adapt their fleet capacity to the available resources, in order to help in restoring fish stocks and facilitate renewed high-level exploitation. With a view to reducing fishing effort, it had also invited member States to reduce fleets and limit vessels' fishing zones and allowable fishing periods.

133. The **European Community** indicated that it had presented to the FAO Committee on Fisheries at its 2001 session a Community draft plan of action on fishing capacity. A more detailed plan would be introduced at the session in 2003.

B. Reduction of incidental catch of seabirds in longline fisheries

1. Information provided by States

134. **Australia** reported that in 1998 it had initiated a threat abatement plan for the incidental catch (or by-catch) of seabirds during oceanic longline fishing operations, which listed a range of compulsory and voluntary measures to eliminate seabird by-catch. Furthermore, Australia was committed to preparing a national plan of action on seabirds to mitigate seabird by-catch. It would also establish a stakeholder reference group composed of fisheries managers, scientists, fishing industry representatives, non-governmental organizations and Commonwealth, states and territory officials.

135. **Qatar** reported that longlines were not used by local fishermen and therefore no incidental catch of seabirds had been reported in areas under its national jurisdiction.

136. **Ukraine** stated that it had no vessels currently engaged in pelagic longline fishing.

137. **Malaysia** reported that it supported efforts to address the problem of incidental catch of seabirds. It also pointed out that the Malaysian fishery utilized the hook-and-line method, which was different from the longline method. Therefore, the incidences of seabirds being caught (if any) were negligible.

138. **Spain** reported that it had just signed a regional Agreement on the Conservation of Albatrosses and Petrels and that it planned to adopt immediately a ministerial order establishing measures for reducing the incidental mortality of seabirds during surface longline fishing.

139. **Monaco** indicated that it supported the International Plan of Action and that it would work within GFCM to adapt the Plan of Action to the regional context. It also

endeavoured to incorporate in the implementing regulations to its Maritime Code provisions that would give effect to the Plan.

140. **Mauritius** reported that it had no measures in place for reducing incidental catch of seabirds in longline fisheries as its occurrence was negligible.

141. **Norway** reported that measures to implement the Plan of Action were the responsibility of its Institute of Marine Research. The Institute had made a survey of incidental catches of seabirds, which showed that the numbers caught did not constitute a threat to the species that were most vulnerable to longline fisheries. Furthermore, Norway had also developed effective methods of frightening seabirds away from vessels in order to avoid by-catches. It further indicated that capacity-building of fishermen in this field would be undertaken.

142. **Mexico** indicated that it did not keep a record of incidental catch of seabirds caught by its fishing fleets.

143. The **United States of America** reported that many measures had already been implemented to reduce the incidental catch of seabirds through regulations, including the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, and the Migratory Bird Treaty Act. The National Plan of Action had been completed on schedule in February 2001 as a collaborative effort between National Marine Fisheries Service and the Fish and Wildlife Service.

2. Information provided by specialized agencies of the United Nations system

144. **FAO** reported that it was working with members, especially in those fisheries and regions where the by-catch of seabirds in fisheries was most problematic, to assist with the implementation of the International Plan of Action.

145. In that connection, in 2001, several countries had reported to FAO that incidental catch of seabirds was not an issue. Other countries, including Argentina, Barbados, China, Cuba, Cyprus, Dominica, Iceland, Panama and Uruguay had reported that longline fishing was practised but that an assessment of the situation indicated that a national plan was not required. A few other countries, including Australia, Brazil, Canada, Japan, New Zealand, South Africa, the United States and Viet Nam, had undertaken an assessment and had developed, were developing or had plans to develop a national plan of action on seabirds.

3. Information provided by regional and subregional fisheries bodies and arrangements

146. **CCSBT** reported that it had endorsed guidelines for the design and use of equipment to minimize the taking of seabirds during the setting of baited longlines.

147. **IATTC** reported that it had not taken any action on the issue of incidental catch of seabirds in longline fisheries.

148. **IPHC** reported that it had worked with the halibut industry to implement the use of bird avoidance devices. At the request of the industry, the use of such devices had been made mandatory by the Contracting Parties. The Commission had monitored implementation of the regulation by conducting an evaluation of options for monitoring use of bird avoidance devices by the industry, including through digital video-camera monitoring.

4. Information provided by other intergovernmental organizations

149. The **European Community** stated that it had presented to the FAO Committee on Fisheries at its session in 2001 a Community draft plan of action for reducing the incidental catch of seabirds in longline fisheries. A more detailed plan would be introduced at the session in 2003.

C. Conservation and management of sharks

1. Information provided by States

150. **Australia** reported that it was aiming to implement a national plan of action for sharks by 2003. A draft plan of action had been developed in 2001, following consultations with technical experts, state government fishery managers, industry, conservation groups and recreational fishers. The draft also recognized the value of aligning national actions with those of neighbouring States and regional fishery bodies.

151. **Qatar** indicated that sharks were not a target species in its fisheries as they were not considered profitable.

152. **Ukraine** reported that it was conducting a special-purpose inventory of by-catches of cartilaginous animals (skates and sharks) caught in the Sea of Azov and the Black Sea. However, by-catch of such animals was insignificant since Ukrainian vessels conducted large-scale fishing operations with trawls at different depths.

153. **Malaysia** reported that the *Elasmobranchii* populations consisted of less than 3 per cent of the total landing. Although sharks were not a targeted species they were sometimes caught in the multi-species and multi-gear fisheries. However, in Malaysia sharks were eaten and were not discarded. The whale shark (*Rhincodon typus*) was a protected species under the Malaysian Fisheries Act of 1985.

154. **Mauritius** reported that it had no measures currently in place for the management of sharks.

155. **Norway** reported that the International Plan of Action for the management and conservation of sharks was to be implemented by the Institute of Marine Research, as such action fell within the scope of the Institute's ordinary activities.

156. **Mexico** stated that it was finalizing official regulations on shark fishing as well as a national programme for the management and conservation of sharks. It was also working within the framework of the Asia-Pacific Economic Cooperation (APEC) forum to identify experience and problems in the application of the FAO Plan of Action, and it intended to hold a workshop in December 2002 for those purposes.

157. **Monaco** stated that it supported the International Plan of Action and would work within GFCM to adapt it to the regional context. It also endeavoured to incorporate in the implementing regulations to its Maritime Code provisions that would give effect to the Plan.

158. The **United Sates of America** stated that it supported full implementation of the International Plan of Action through the development of national plans of action. The United States national plan had been completed on schedule in February 2001. In addition, the United States believed that the development of national plans of

action was only the first step towards the international management of sharks and that the February 2003 session of the FAO Committee on Fisheries should constitute a forum to pursue options for bilateral, regional, or multilateral agreements.

2. Information provided by specialized agencies of the United Nations system

159. **FAO** reported that its activities in support of the implementation of the International Plan of Action for sharks had largely involved the preparation of publications and the maintenance of a web page (www.fao.org/fi.).

3. Information provided by regional and subregional fisheries bodies and arrangements

160. **CCSBT** reported that its members had developed or were currently developing national plans of action. The Commission would use its Working Group on Ecologically Related Species to consider cooperative and coordinated actions by members to achieve the purpose of the International Plan of Action.

161. **IATTC** reported that it had adopted a measure requiring purse seine vessels to promptly release unharmed, to the extent practicable, all sharks taken incidentally. The Commission had also taken action to enhance the collection of shark by-catch information.

4. Information provided by other intergovernmental organizations

162. The **European Community** stated that it had presented to the FAO Committee on Fisheries at its session in 2001 a Community draft plan of action for the conservation and management of sharks. A more detailed plan on the subject would be introduced at the session in 2003.

VII. FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

A. Information provided by States

163. **Australia** stated that it was a key proponent of the development and implementation of the International Plan of Action and therefore was committed to taking action to eliminate IUU fishing. Australia was expected to develop and implement its national plan of action no later than 23 June 2004, although it was already implementing many of the measures contained in the International Plan of Action. Furthermore, as a basis for developing its national plan of action, it was currently conducting a national assessment of IUU fishing with a focus on foreign vessel incursions.

164. **Pakistan** indicated that it was currently modifying or establishing rules and regulations that would take into account the provisions of the International Plan of Action. However, unreported vessels found in its exclusive economic zone were confiscated by national monitoring and surveillance agencies.

165. **Malaysia** stated that no measures had been taken on the implementation of the International Plan of Action on IUU fishing, except that competent authorities had arrested foreign fishing vessels which had encroached into maritime areas under national jurisdiction.

166. **Belize** reported that the International Marine Registry of Belize had introduced new requirements for the registration of fishing vessels which included information regarding the history of the vessel and detailed information to be listed in a fishing vessel data form. In addition, its draft High Seas Fishing Act would incorporate the requirements contained in international instruments such as the International Plan of Action on IUU fishing.

167. **Spain** stated that it had adopted several measures to combat IUU fishing. The first measure related to the adoption of Royal Decree 1797/1999 of November 1999, which strengthened port State control in respect of fishing vessels belonging to third countries, including the requirement of an authorization for unloading or trans-shipment in areas under the national jurisdiction of Spain, as well as the obligation to demonstrate that the catch was harvested in compliance with regional fisheries conservation and management measures. The second measure was the adoption of Act 3/2001 of March 2001, which was designed to combat IUU fishing by vessels flying flags of convenience through the application of sanctions to the skippers of the vessels, including the disqualification of Spanish nationals engaged in such fishing operations. Steps could also be taken against the owners of vessels flying flags of convenience. The third measure involved the establishment of a world satellite monitoring system for tracking the activities of Spanish fishing vessels.

168. In addition, Spain would soon be submitting for adoption its national plan of action against IUU fishing, drawn up on the basis of the International Plan of Action. It also intended to convene an international conference in November 2002, in cooperation with FAO and the European Union, to combat IUU fishing, with a view to identifying its causes and considering possible comprehensive solutions.

169. **Mauritius** reported that in order to prevent, deter and eliminate IUU fishing, its National Coast Guard had been empowered to stop, board, search and detain any vessel found fishing illegally in areas under its national jurisdiction.

170. **Ukraine** stated that, in implementation of the International Plan of Action, it was currently drawing up a Comprehensive Programme to Counteract Illegal Fishing in the Territorial Sea and the Exclusive (Maritime) Economic Zone of Ukraine for 2002-2006. Violations of current fishing regulations by Ukrainian vessels and vessels flying the flags of other States in areas under the national jurisdiction of Ukraine would be prosecuted under the law.

171. **Norway** stated that implementation of the International Plan of Action on IUU fishing was an ongoing process in Norwegian fisheries management, through satellite monitoring and control, blacklisting of vessels, prohibition of the sale of catches harvested unlawfully, etc.

172. **Mexico** reported that it had exerted efforts at the regional level within the framework of ICCAT for the adoption of measures to regulate fishing by vessels of non-contracting parties, including the compilation of information on vessels fishing in the Convention area and either not operating under the jurisdiction of a member of the Commission or operating under the jurisdiction of a non-member which was not cooperating with the Commission in the application of its conservation and management measures. Such flag States were requested to provide information on the status of their vessels, particularly whether they were able to apply and were prepared to apply ICCAT conservation and management measures in respect of

vessels flying their flag. If not, the vessels concerned were added to the list of vessels of non-cooperating parties.

173. **Monaco** stated that it supported the International Plan of Action against IUU fishing, and would work within GFCM to adapt it to the regional context. It also endeavoured to incorporate in its Maritime Code implementing regulations provisions that would give effect to the Plan.

B. Information provided by specialized agencies of the United Nations system

174. **FAO** stated that it was not engaged directly in the implementation of measures to prevent, deter and eliminate IUU fishing, but instead worked with member States and regional fisheries management organizations to develop policies to combat IUU fishing and to implement the International Plan of Action.

175. In this respect, FAO pointed out that the International Plan of Action against IUU fishing was a voluntary instrument which had been adopted by consensus by the FAO Committee on Fisheries at its twenty-fourth session, on 2 March 2001, within the framework of the 1995 FAO Code of Conduct for Responsible Fisheries. The Plan encouraged action by States and regional fisheries management organizations to address IUU fishing. It was innovative in a number of respects, especially with respect to the use of internationally agreed market-related measures. Significantly, it called upon States to develop and implement national plans of action to further achieve the goals of the International Plan not later than three years after its adoption (i.e., by 23 June 2004).

176. FAO further indicated that IUU fishing and its impact on resource sustainability were a matter of great international concern. It was recognized that if IUU fishing and its related activities were not addressed effectively and holistically, efforts by national fishery administrations and regional fisheries management organizations to manage fisheries responsibly would be undermined.

C. Information provided by regional and subregional fisheries bodies and arrangements

177. **IATTC** reported that it had taken measures to combat IUU fishing in the Eastern Pacific Ocean, such as developing a regional register of vessels authorized to fish for species under the competence of the Commission; establishing a permanent group to deal with IUU fishing on a regular basis; and adopting resolutions intended to discourage IUU fishing. Moreover, the Commission had recently agreed to develop a list of non-cooperating vessels, and action was being undertaken currently to draw such a list.

178. **NAFO** stated that it had recommended to its members that national reports submitted to FAO on the implementation of the International Plan of Action on IUU fishing should be circulated to all Contracting Parties through the NAFO secretariat. It had also requested its Standing Committee on Non-Contracting Parties to review the International Plan of Action on fishing with a view to recommending additional measures that the organization might consider taking to implement it.

179. **IPHC** indicated that IUU fishing was not a concern within the Commission convention area.

180. **NASCO** reported that at its eighteenth annual meeting in 2001 it had reviewed elements of the International Plan of Action against IUU fishing applicable to regional fisheries management organizations and the actions the organization had taken or expected to take in the future consistent with the Plan. It believed that the Plan, when implemented in conjunction with the existing FAO Compliance Agreement, would appear to be a helpful initiative. It could particularly assist NASCO in relation to its problem of salmon fishing on the high seas, as well as in its work to minimize unreported catches, including problems related to the Saint Pierre and Miquelon salmon fishery harvest levels.

181. **NPAFC** reported that it welcomed the International Plan of Action on IUU fishing. At its 2001 meeting the Commission had renewed its invitation to the Republic of Korea to accede to the North Pacific Anadromous Stocks Convention. It was thus anticipated that the Republic of Korea would join NPAFC by the tenth annual meeting of the Commission in October 2002.

182. **ICCAT** reported that it had adopted a resolution concerning the implementation of effective measures to prevent, deter and eliminate IUU fishing by tuna longline vessels. The resolution called for the convening of a working group in Tokyo in 2002 to consider more effective measures to prevent, deter, and eliminate IUU fishing, particularly by flags of convenience vessels, taking into account the FAO International Plan of Action.

183. The **North-East Atlantic Fisheries Commission (NEAFC)** indicated that it had requested Norway to prepare a report on the implementation of the International Plan of Action on IUU fishing for consideration by the Commission. The report had pointed to the need for NEAFC to deal with such issues as: port State control and the monitoring of landings; development of action plans and targets for eliminating IUU fishing, and exchange of information relevant to the prevention, deterrence and elimination of IUU fishing with other regional fisheries management organizations. The report also pointed out that restrictive rules for admitting new entrants were not in line with international law and that it might be necessary to amend the NEAFC Convention.

D. Information provided by other intergovernmental organizations

184. The **European Community** indicated that it intended to introduce a Community plan of action against IUU fishing at the next session of the FAO Committee on Fisheries in 2003.

VIII. Other developments related to the conservation and management of marine resources

A. Information provided by States

185. **Australia** indicated that it was party to a range of conventions that established global, regional and subregional management organizations for the management of highly migratory, straddling, pelagic and demersal fish stocks, including the 1995 Fish Stocks Agreement, the Convention for the Conservation of Southern Bluefin Tuna, the IOTC Agreement, the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR Convention), the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and

Central Pacific, the Arrangement between the Government of Australia and the Government of New Zealand for the Conservation and Management of Orange Roughy on the South Tasman Rise, and the Regional Agreement on the Conservation of Albatrosses and Petrels under the Convention on Migratory Species. It was also pursuing shared fish stocks research and management arrangements in the Arafura and Timor seas in cooperation with Indonesia and Timor-Leste.

186. With respect to the Code of Conduct for Responsible Fisheries, Australia noted that the Code was a voluntary instrument, although some of its parts were based on relevant rules and principles of international law as set out in the United Nations Convention on the Law of the Sea and the 1995 Fish Stocks Agreement. Moreover, Australia took note of the fact that the FAO Compliance Agreement formed an integral part of the Code and that four International Plans of Action had been developed to provide a basis for States to give effect to elements of the Code.

187. **Burkina Faso** reported that it had organized, with the support of FAO, a workshop on subregional implementation of the Code of Conduct for Responsible Fisheries, which had been followed up by national workshops to provide information to local fishermen. A plan has been drafted to adapt the Code to the local context and translate it into the national languages.

188. **Croatia** indicated that it had translated the Code of Conduct for Responsible Fisheries into Croatian and had disseminated it among the fishing communities. The translation had been carried out under the FAO AdriaMed project, with funding from by the Italian Government.

189. **Grenada** reported that its Fisheries Act No. 15 of 1996 and Fisheries Regulations, Cap 108 of 1987 (Part VI), provided for the conservation of marine living resources. Grenada had also provided data on catches of pelagic species to ICCAT to help determine the status of the different stocks. In addition, it had initiated a system of marine protected areas that included nursery zones for a large number of commercially important species.

190. **Mexico** reported that its programmes for capture fisheries and aquaculture had been drawn up under the principles contained in the Code of Conduct for Responsible Fisheries. It had also distributed the Code to groups of fishermen and various fisheries authorities, and had taken it into account in the drafting or application of various international fisheries instruments.

191. **Ukraine** stated that it had taken into account the provisions of the Code of Conduct for Responsible Fisheries in its current normative and legal enactments, as well as in the elaboration of the country's corresponding draft legislative acts.

192. **Italy** indicated that it had implemented the Code of Conduct for Responsible Fisheries within the framework of relevant EU legislation.

193. **Monaco** stated that, as a member of the General Fisheries Commission for the Mediterranean, it had contributed to the objectives of that organization, including the development, conservation and management of marine living resources; compliance by members and non-members of GFCM with the conservation measures established by the Commission within the framework of sustainable development; and the establishment of programmes for fisheries cooperation between the riparian States of the Mediterranean.

194. **Sri Lanka** reported that the Code of Conduct for Responsible Fisheries had been translated into local languages, printed and distributed among local fishermen. In addition, government officers engaged in the management of fisheries had been made aware of the requirements of Code.

B. Information provided by specialized agencies of the United Nations system

195. **FAO** reported that it had continued to support the work of both FAO and non-FAO regional fisheries management organizations in promoting responsible fisheries and the effective implementation of international fishery instruments. Chapter 17 of Agenda 21, the 1995 Fish Stocks Agreement and the FAO Code of Conduct had all underscored the fundamental role played by regional fisheries management organizations in implementing management measures designed to secure long-term sustainable fisheries.

196. FAO pointed out that although many regional fisheries management organizations focused heavily on fisheries management activities, some of them were underperforming and failing to achieve the goals for which they were established. While the reasons for failure might vary in importance and priority among the organizations, some issues seemed to have a general character. These issues included: (a) inadequacy of science in providing usable management advice, inter alia, because the advice received was often not practical enough; (b) some of the organizations were constrained by a failure of their members to address difficult issues such as the management of fleet capacity because of the consequences that reduction might have for their fishers or for their national share (the allocation issue); and (c) a genuine lack of cooperation among members, particularly in relation to shared stocks. Such a reluctance to cooperate fully had hindered the work of the organizations and undermined their effectiveness. Specific problems included a reluctance by members to adopt standard methodologies for scientific assessments and share information regarding the activity of foreign fleets or comply with port State responsibility. Common standards and cooperation on these basic issues were fundamental to long-term sustainable management.

197. FAO indicated that although it was continuing to promote collaboration significantly among regional fisheries management organizations, the secretariats of the organizations were assuming a greater role in the organization of the meetings and contributing actively to the identification of issues for discussion. Thus it could be assured that the issues to be considered by the meetings were of high priority to the organizations and that the organizations themselves had a greater sense of ownership over the meetings and their outcomes.

198. With respect to the issue of coordination and cooperation with other United Nations agencies on IUU fishing, FAO reported that it had encouraged IMO members to address IUU fishing. To that end, the issue had been included in the work programme of the IMO Subcommittee on Flag State Implementation in April 2002. As a result, IMO had expressed the view that it might assist FAO in developing new port State control procedures in respect of IUU fishing.

199. **IMO** reported that annex V (Regulations for the Prevention of Pollution by Garbage from Ships) to the International Convention for the Prevention of Pollution from Ships (MARPOL), which had entered into force on 31 December 1988, was especially relevant to the issue of fish mortality owing to entanglement or digestion of marine debris, since the regulations prohibited the disposal of certain substances

and properties at sea. Moreover, IMO had further developed guidelines for the implementation of those Regulations by specifying ways and means for training, minimizing the amount of potential garbage, shipboard garbage handling and storage procedures, shipboard equipment for processing garbage, port reception facilities for garbage and ensuring compliance with MARPOL Annex V. In addition, a number of resolutions on port State control had been adopted over the years to ensure implementation of the IMO Conventions, including MARPOL Annex V.

C. Information provided by organs, organizations and programmes of the United Nations

200. **UNEP** reported that its regional seas programme had been promoting the use of the ecosystem-based approach as a management tool to achieve the sustainable development of natural resources. In that regard, it had begun collaborating with FAO in an effort to explore the opportunities and challenges for coordinated activities on the ecosystem-based management of fisheries. To that end, the ecosystem-based approach to the management of fisheries and the marine and coastal environment was one of the main issues for discussion on the agenda of the Fourth Global Meeting of Regional Seas Conventions and Action Plans, held at Montreal, Canada, from 21 to 23 November 2001.

D. Information provided by regional and subregional fisheries bodies and arrangements

201. **NAMMCO** reported that it had extended invitations to the Governments of Canada and the Russian Federation to become members of the Commission. It further indicated that NAMMCO was part of the recently established network of cooperation with the members of the North Atlantic Regional Fisheries Management Organizations on issues of mutual concern. The network consisted of a group of regional intergovernmental organizations with competence in marine living resources in the North Atlantic that would be independent of the FAO fisheries organizations and the FAO decision-making process.

202. The **Asia-Pacific Fishery Commission (APFIC)** reported that it had discussed recommendations on ways and means to strengthen its functioning at its twenty-seventh session, held at Manila from 19 to 21 September 2001. Although its future remained uncertain due to a number of factors, the Commission agreed that it should continue to function and should formulate better-focused and well-defined programmes of action that were responsive to the needs of its members.

203. **IATTC** stated that many of the matters set out in the Code of Conduct for Responsible Fisheries were not within the purview of the Commission's mandate. Therefore it had not adopted specific measures to promote the application of the Code. Relevant portions of the Code, however, had served as a guideline for the consideration of the Commission's conservation and management resolutions, and most, if not all, of the resolutions adopted by IATTC members had been drafted in accordance with the principles of the Code.

204. **NEAFC** reported that a meeting between the regional fisheries management organizations in the North Atlantic (International Baltic Sea Fishery Commission, ICCAT, NAMMCO and NASCO) had been held at NEAFC headquarters on 10 and 11 December 2001 in order to promote the exchange of information on topics currently being discussed in most of the organizations.

205. **IPHC** indicated that its research and assessment programme was transparent and that the results were accessible via print and electronic media. An annual consultative process was held, in addition to an industry advisory process to assist in the formulation of Commission research programmes.

206. **FFA** reported that the Western Central Pacific region was in the process of establishing a new organization for the management and conservation of highly migratory fish stocks under the 2000 Convention for the Conservation and Management of Highly Migratory Fish Stocks. At the most recent meeting of the Preparatory Conference for the establishment of the Commission held in Madang, Papua New Guinea, from 25 February to 1 March 2002, the participants agreed on criteria for application by States and entities wishing to participate in the Preparatory Conference. According to FFA, the establishment of the Commission would increase the institutional capacity of the region to respond to fisheries management concerns.

207. FFA further reported that it was working with FAO and other regional organizations to develop a training programme in the region to implement the Code of Conduct for Responsible Fisheries. Furthermore, with technical assistance from the Agency, several member States had incorporated the principles of the Code into their national legislations. FFA stressed that it recognized the importance of the Code in providing a benchmark for the management of fisheries and would continue to strive for its wider application throughout the region.

208. With respect to the issue of marine debris, FFA indicated that although it did not have a specific programme addressing marine debris, it was keeping a watching brief over the issue and would be able to develop a response should the need arise in the region.

209. **ICCAT** reported that it had adopted a resolution outlining minimum management standards for the large-scale tuna longline fishery to be taken on a provisional basis by Contracting Parties, cooperating non-parties, entities or fishing entities. The measures were to be taken in the fishing grounds, on trans-shipment and at landing ports upon issuance of fishing licences to tuna longline vessels greater than 24 metres in overall length under their registry to fish in the Convention area.

210. ICCAT also pointed out that in accordance with its Convention, any State which was a member of the United Nations or of any specialized agency of the United Nations might become an ICCAT Contracting Party.

211. **NAFO** indicated that the NAFO Convention and its conservation and enforcement measures had established the main framework for responsible fisheries within the Convention area. Some aspects of the Code of Conduct for Responsible Fisheries, including the precautionary approach, had been considered or were in the process of being addressed. Other issues under consideration were those related to the dispute settlement procedures, conservation and enforcement measures, fishing rights and allocation procedures.

212. As to measures to ensure that all States having a real interest in the fisheries might become members of the organization, NAFO stated that the NAFO Convention was an open international instrument accessible to any Government by depositing documents of accession with the depository (the Government of Canada). A resolution addressing the expectations of future members with regard to fishing

opportunities in the NAFO regulatory area had been adopted in 1999. The resolution had pointed out, however, that new members should be aware that currently and for the foreseeable future, stocks managed by NAFO were fully allocated and fishing opportunities for new members were likely to be limited.

213. **NASCO** reported that salmon fisheries in the North Atlantic were conducted in a manner that was consistent with the Code of Conduct for Responsible Fisheries. Furthermore, NASCO Contracting Parties had adopted and were applying the precautionary approach to the management of fisheries, habitat protection and restoration. Application of the precautionary approach to introductions and transfers, aquaculture and transgenics would also be considered over the coming year. The organization also was addressing a wide range of issues relating to the conservation and rational management of Atlantic salmon, and was liaising with other North Atlantic regional fisheries management organizations and FAO regional bodies on issues of mutual interest.

214. **WECAFC** reported that many countries in the WECAFC region were focusing on selected areas of the Code of Conduct for Responsible Fisheries without losing its overall holistic perspective. Several countries were using the Code as an instrument to establish principles and criteria to implement policies for the conservation of fisheries resources, as well as fishery management and development; to promote the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities; and to establish principles for responsible fishing and fisheries activities taking into consideration all relevant biological, technical, economical, social, environmental and commercial aspects.

215. Moreover, in order to strengthen its role in fisheries management, the Commission needed to take several measures, which would include: adopting the role of an umbrella organization in a regional approach to fisheries management; focusing on regional technical cooperation; and adopting a simple structure, consisting of the secretariat, a scientific advisory group and ad hoc working groups with clearly defined terms of reference and time-bound clauses, to be established as and when required.

E. Information provided by intergovernmental organizations

216. The **European Council Parliamentary Assembly** reported that in resolutions it had adopted in 2002, it had invited its member States to implement the Code of Conduct for Responsible Fisheries, particularly the precautionary principles for fishery policies, and to develop international cooperation between States and with regional fisheries organizations, with a view to improving fisheries management and preservation resources and the marine environment. The resolutions also called upon member States to draw up indicators relating to sustainable development of fisheries that reflected all ecological processes, the limits of the ecosystem, and the resources and activities of the fisheries sector, based on objectives to be achieved (reference points/objectives) or on thresholds not to be exceeded (reference points/limits).

217. The **European Community** indicated that its Common Fishery Policy, like the Code of Conduct for Responsible Fisheries, was aimed at ensuring the conservation and sustainable use of fisheries in areas both within and beyond the jurisdiction of the Community.

IX. Conclusion and recommendations

218. It is becoming increasingly evident that the problem of large-scale pelagic drift-net fishing is abating owing to the continued resolve by the international community to ensure implementation of the global moratorium on the use of large-scale pelagic drift-net fishing on the high seas. Similarly, genuine efforts are being made to reduce by-catch, discards and post-harvest losses in fisheries operations and, when unavoidable, to use fish by-catch for human consumption. There is also a growing awareness of the importance of conservation and management tools such as the precautionary approach and the ecosystem approach when dealing with marine living resources.

219. On the other hand, it is recognized that the problem of illegal, unregulated and unreported (IUU) fishing constitutes a threat to the conservation and management of the ocean's fishery resources, and that actions should be pursued towards combating IUU fishing, including implementation of recently adopted international instruments aimed at deterring and eliminating such practices. In this connection, particular mention should be made of the efforts carried out by Member States, regional fisheries management bodies and the specialized agencies of the United Nations system, and in particular FAO, to address the issue of IUU fishing.

220. In addition, while technical and financial assistance had previously been extended to developing countries on particular aspects of fisheries management, it is believed that such assistance should now be provided in a comprehensive manner with a view to enhancing the ability of those countries, in particular the least developed among them and small island developing States to better conserve and manage marine fisheries resources in areas under their national jurisdiction and enabling them to participate in high seas fisheries. In other instances, such assistance should help developing countries which are dependent upon the exploitation of fisheries for the nutritional needs of their populations to achieve food security.

221. In the light of the above-mentioned developments, Member States are therefore invited to:

- Ratify and implement the Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement)
- Implement the Code of Conduct for Responsible Fisheries
- Implement the FAO International Plan of Action on IUU fishing, including the implementation of port State control and internationally agreed market-related measures, as tools to assist in combating IUU fishing
- Implement the FAO International Plans of Action on fishing capacity, on incidental catch of seabirds in longline fisheries, and on the conservation and management of sharks
- Continue to ensure compliance with the global moratorium on large-scale pelagic drift-net fishing on the high seas

- **Continue to apply measures to prevent unauthorized fishing by vessels flying their flag in areas under the national jurisdiction of other States**
- **Continue efforts to reduce by-catch, discards and post-harvest losses**
- **Apply the precautionary approach to fisheries management**
- **Continue to develop the ecosystem approach to fisheries management**
- **Continue to support cooperation among regional fishery bodies and, where appropriate, to support the strengthening of their role in fisheries management.**